

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23747 of 2020

Arising Out of PS. Case No.-318 Year-2019 Thana- BARH District- Patna

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PAMPAL SINGH @ PAMPAL KUMAR Son of Late Sachidanand Singh
Resident of Village- Dahaur, P.S.- Barh, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Narayan, Sr. Adv. Mr. Shekhar Kumar Singh, Adv.
For the Informant	:	Mr. Arun, Adv.
For the State	:	Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 22-01-2021 Heard Mr. Rajendra Narayan, learned senior counsel

for the petitioner, Mr. Arun learned counsel for informant and

Mr. Nawal Kishore Prasad, learned Additional Public Prosecutor

for the State.

2. Petitioner seeks regular bail in connection with

Barh PS Case No. 318/2019 registered for the offence

punishable under Sections 147, 148, 149, 307, 506 of the IPC

and 27 of the Arms Act.

3. The allegation, as per First Information Report, is

that when the informant, on 12.07.2019, was sitting in his

Jagdamba Tent Decoration House, petitioner along with other

co-accused persons, namely, Dilip Kumar Singh, Mauntan

Kumar, Ravi Kumar and Saurabh Kumar, having been armed

with weapons, arrived at the shop of informant and fired upon



him. The first firing was made by Dilip Kumar Singh and thereafter, petitioner also made indiscriminate firing due to which informant received fire arm injury on his waist backbone, left arm near pelvis and left rib.

4. Learned senior counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case merely on the basis of the fact that he happens to be the brother of co-accused, Dilip Kumar Singh, who allegedly, demanded extortion amount from the informant. Learned senior counsel further submits that from perusal of the FIR, it would be evident that the informant has stated that he received five gun shot injury on his body and the allegation is that all the accused persons were firing upon him but from perusal of the injury report of PMCH as well as that of Sadar Hospital, Barh, it would be evident that one fire arm injury was found on the person of the informant.

5. Learned senior counsel next submits that injury report of Sadar Hospital, Barh discloses the fact that only one injury has been found near scapular region caused due to firing having 1 ½” in diameter. Learned senior counsel further submits that only one fire-arm injury has been found whereas the allegation is that the informant has received five gun-shot



injuries on his body. It is also submitted that the petitioner is in custody since 24.12.2019. It is next submitted that charge-sheet has already been submitted in this case and there is no likelihood that petitioner will abscond or tamper with the evidence, if he is released on bail.

6. On the other hand, learned counsel for the informant and learned APP vehemently, opposed the prayer for bail and submitted that petitioner has got criminal antecedents and there is allegation of firing upon the informant due to which informant received gun-shot injury near his pelvis, waist, as such, he does not deserve privilege of regular bail.

7. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that petitioner is in custody since 24.12.2019, charge-sheet has already been submitted in this case and there is no likelihood that petitioner will abscond or tamper with the evidence, I am inclined to grant regular bail to the petitioner subject to the conditions that petitioner will be well represented on each and every date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

8. Accordingly, let the petitioner, PAMPAL SINGH @ PAMPAL KUMAR be released on bail on furnishing bail



bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Barh in connection with Barh PS Case No. 318/2019.

9. Needless to say that at the time of furnishing bail bonds all the parties shall follow the guidelines of social distancing.

(Anil Kumar Sinha, J)

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